

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMARA CIARAMITARO,

Plaintiff,

v.

Case No. 13-cv-10268
HON. GEORGE CARAM STEEH

UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Defendant.

_____ /

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION
FOR EMERGENCY ORDER TO SHOW CAUSE (DOC. # 14)

This ERISA case was assigned to this court as a companion to the case of Ciaramitaro v. Unum Life Ins. Co. of America, Case No. 09-13492. Currently before the court is an “emergency” motion filed by plaintiff on August 21, 2013. In that motion, plaintiff alleges that defendant did not comply with this court’s scheduling order, by failing to produce the administrative record on or before August 16, 2013. The court will not hold oral argument on the matter and orders it submitted on the briefs in accordance with E.D. Mich. LR 7.1(e)(2).

The court notes that in response to the motion, defendant represents that plaintiff has now been supplied with “Life Waiver of Premium” benefits. Furthermore, although plaintiff has apparently secured the very coverage this litigation concerns, it appears that defendant has nevertheless complied with the request for the administrative record. As defendant states in response to the motion, it appears that these two items have obviated the need for further litigation of the case, with the exception of the attorney fee

issue. With respect to plaintiff's concerns about documentation demonstrating that plaintiff is now covered under defendant's life insurance plan, the court expects such documentation has been or will be promptly provided. Plaintiff may refile this or a similar motion if defendant's representations prove inaccurate or have not fulfilled plaintiff's requests in this matter.

Accordingly, plaintiff's motion is hereby **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Dated: September 30, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 30, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk